**Section 451.70 Permit Application Procedures and Operating Requirements for Official Testing Stations**

a) Upon written request to the CVSS by an applicant for a Permit, the CVSS will furnish to the applicant the required forms and instructions pertaining to the requirements for an Official Testing Station Permit.

b) The completed forms, accompanied by a ten dollar check or money order made payable to: TREASURER, STATE OF ILLINOIS, shall be sent to the CVSS. Such fee is nonrefundable.

c) An application is reviewed to determine if the building configurations, equipment in a lane and personnel (i.e., at least one CST) meet the requirements of this Part. An interim approval is provided in writing pending the proper installation of the equipment (if applicable) (refer to Section 451.20(d) for applicability) and verification of the building configurations. A Department employee will inspect the location of the equipment in a lane (refer to Section 451.110(x) for location requirements) and the configurations of the building (refer to Sections 451.110(b) for the configuration requirements) before the final approval is granted. All safety test equipment must be permanently installed.

d) The applicant shall forward to the CVSS the following photographs. (Lane dimensions are to be included on the photographs' reverse sides.)

1) For a Class "A," "C," "B2" or applicable "D" or "P" OTS: three 8" x 10" photographs. One photograph must show the lane entrance, another must show the lane exit and the third must show the entire testing lane with the installed testing equipment. Include lane dimensions on reverse side of photograph.

2) For a Class "B" or "B1" or applicable "D" or "P" OTS: two 8" x 10" photographs. One photograph must show the lane entrance and another must show the entire testing lane with the installed testing equipment.

3) For a "P" OTS not requiring equipment: two 8" x 10" photographs. One photograph must show the entrance of the OTS where the vehicle being tested will enter and another must show the designated testing area.

e) The applicant shall file with the CVSS a bond in the amount of one thousand dollars with security provided by a bonding company in good standing with the Illinois Department of Insurance. This bond is dependent on the applicant and Station employee's compliance with this Part, as amended. The bond form will be secured by the CVSS.

f) Any Official Testing Station owned and operated by governmental agencies (i.e., state, city, village, incorporated town or county) shall be exempt from the payment of any original or renewal fee and exempt from the filing of any bond.

g) The specific identification number and location of the Station will be stated on each Permit. For public and applicable private OTS's, safety tests on special category vehicles and school buses can only be conducted within the specified lane identified on the Permit.

h) Each Permit approved and issued by the Department will expire twelve months following issuance. The Permit may be renewed annually by complying with this Part and upon payment of a renewal fee of ten dollars. Any change or amendment to an existing Permit will require an additional ten dollar fee.

i) The CVSS will issue an amended Permit following a change in location and installation of testing equipment in a lane. The new location must satisfy the requirements of this Part. The amended Permit will be the only authority for the applicant to begin testing at the new location. Testing may begin upon receipt and after properly displaying the amended Permit.

j) Any Official Testing Station Permit issued by the Department will be subject to cancellation, suspension or revocation by the Department for violations of this Part or of Section 13-100 et seq. of the Illinois Vehicle Inspection Law. The first violation by a CST or OTS of the provisions of this Part statutorily requires a minimum suspension of 30 days. The length of a first suspension can be exteded up to 180 days, usually to 60 days, if evidence in aggravation of the penalty is introduced at the hearing. A prior suspension within a four year period, without any other aggravating evidence, will result in a 60 day suspension. Violations directly threatening the public safety are considered an aggravation of the penalty. The hearing officer will consider other evidence in aggravation or mitigation of a suspension. Revocation is recommended when suspensions are not correcting improper performance. After two suspensions in a two year period, or after repeated suspensions over a longer period, a permit will be revoked upon another violation. Revocation will also be recommended when a pattern of violations indicates that a fraud on the public is being committed. A hearing officer will consider other evidence in aggravation or mitigation when considering revocation of a permit.

k) The CVSS may permanently deny, on application, an original or renewal OTS Permit to applicants whose Permits have been revoked. The Department will permanently deny an application for permit if the applicant was ever found guilty of a serious violation through the Department's administrative hearing process. Two examples of serious violations may include administering improper safety tests for school buses or supplying entire fleets of vehicles with Certificates of Safety without performing safety tests on the vehicles. Applicants whose original or renewal Testing Station Permit applications have been denied by the Department may request an Administrative Hearing to present such evidence for the granting of an original or renewal Testing Station Permit.

l) Official Testing Station Permits will be issued in one of two categories: Public or Private.

1) Public

A) Public Stations shall inspect any vehicle presented within the limits defined in Section 451.110.

B) Public Stations shall agree in writing to be open for testing between the hours of 8 a.m. and 5 p.m., for a minimum of eight hours between the hours of 7:00 a.m. and 5:00 p.m. Monday through Friday, except on legal holidays. All public Stations shall notify the CVSS in writing if the OTS operates during any additional hours. The notification shall be sent to the CVSS and shall include the complete OTS number, the city in which the OTS is located and the additional hours of operation.

C) It shall be the applicant's responsibility to file with the Department a proposed schedule of rates to be charged for performing a safety test. The proposed schedule will be approved by the Department before a license is issued. (Refer to 92 Ill. Adm. Code 454 for procedures.)

D) OTS personnel shall not require vehicle owners to make an appointment to have their vehicles tested. Should a vehicle owner request an appointment, the time set for such testing must be at a time when the OTS is closed to the public (see subsection (1)(1)(B)). Times that are not stated in subsection (1)(1)(B) are times the OTS is considered "closed to the public."

E) Upon notification that a vehicle has been presented for a safety test, the test shall be performed.

F) Public Stations are required to have authorized safety test equipment installed within the specified lane area.

G) Inspection of special category vehicles and school buses must be performed within the specified lane area.

2) Private

A) Private Stations are not open to the public. They are established solely for the purpose of testing 75 or more vehicles owned or leased by the firm in whose name the Official Testing Station Permit is issued.

B) Private Stations are required to perform Appendix G inspections within a designated testing area. Inspections are required to be performed within the Official Testing Station Building.

C) All Private Stations shall notify the CVSS in writing of each second division vehicle leased or owned by the firm as well as the exact storage location (i.e., address) of the vehicles as of the first day of each year. The CVSS shall also be notified of any additions or deletions made to the fleet during the year.

D) Private Stations are exempt from maintaining normal business hours but must be open for Official CVSS personnel monitoring during the hours required in subsection (1)(1)(B) above.

E) Private Stations are subject to the same requirements as public Stations except where specifically noted.

F) In order for Private Stations to test their own special category vehicles or school buses, they are required to have authorized safety testing equipment and a designated lane area as required in Sections 451.100 and 451.110.

m) Each Station must have at least one person licensed by the CVSS as a Certified Safety Tester.

n) No safety test shall be conducted unless the Station possesses and has properly displayed a valid Permit issued by the CVSS (refer to Sections 451.160(g), (i), and (j) for permit display requirements).

o) By accepting a Permit, the applicant agrees to comply with Section 13-100 et seq. of the Illinois Vehicle Inspection Law and this Part, as amended, that govern the operation of an Official Testing Station and vehicle safety tests.

p) If an OTS is inoperative for a period of six months or more, the Permit will be cancelled. Advance warning is given by telephone, and area inspectors visit the OTS prior to the cancellation. If the inspector feels that the operator is not taking the necessary action to reopen his OTS (e.g., having equipment repaired), the CVSS will cancel the permit. If at a later date the owner wishes to reopen the Station, a new application shall be submitted to the CVSS. The ten dollar filing fee shall be paid again.

(Source: Amended at 17 Ill. Reg. 12839, effective July 27, 1993)